

GOVERNMENT OF TELANGANA
A B S T R A C T

Tribal Welfare Department - Caste Verification - Appeal Petition filed by Mr.Kethireddy Malla Reddy S/o Venkat Reddy of Karimnagar District before the Government against the Proceedings No. C4/3984/1995, dt.22.11.2007 of the District Collector, Karimnagar for Cancellation of his "Hills Reddy" Caste Certificate - Appeal Rejected - Orders - Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.MS.No. 41

Dated: 04-10-2016

Read the following:

1. Proceedings of the District Collector, Karimnagar No.C4/3984/1995, dated 22.11.2007.
2. Appeal Petition filed by Mr.Kethireddy Malla Reddy S/o Venkat Reddy of Karimnagar District dated 16.11.2008.
3. Govt.Memo No.1307/CV2/2008, dated 22.02.2008.
4. From the Dist Collector, Karimnagar, Lr.No.C4/3984/1995, dated 12.10.2009.

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ORDER:

In the reference 1st read above, the District Collector Nalgonda has cancelled ST 'Hills Reddy' Caste Certificate of Mr.Kethireddy Malla Reddy S/o Venkat Reddy of Karimnagar District.

2. In the reference 2nd read above, Mr.Kethireddy Malla Reddy S/o Venkat Reddy of Karimnagar District filed an appeal petition before the Government against the Proceedings No. C4/3984/1995, dated 22.11.2007 of the District Collector, Karimnagar for Cancellation of his ST "Hills Reddy" Caste Certificate.

3. In the reference 3rd read above, the appeal petition was admitted duly granting stay and called for records along with parawise remarks of the District Collector, Karimnagar.

4. In the reference 4th read above, the District Collector, Nalgonda has submitted records and made the following observations:-

- A complaint was lodged by one Sri G.Lachaiah of Huzurabad in 1983 stating that the appellent got job on the strength of false caste certificate.
- On the complaint filed before the Government (SW) Dept, that Sri K.Malla Reddy was appointed as L.D.C. in Co-operative Dept. on production of ST (Hill Reddy) caste certificate is fraudulent one and as per the directions of the Government, The Director, Tribal Welfare, AP., Hyderabad caused enquiries and observed that he belongs to "REDDY" caste (Forward community) but not "Hill Reddy" (ST) Community.
- As per the enquiry report of the Director(TW) and the Government have requested to take action for cancellation of the caste certificate issued to him vide ref. No.A6/10657/76, dt.11-8-76 by the Tahsildar, Karimnagar. Accordingly the appellent's caste certificate was cancelled vide District Collector's Proc.No.C5/21961/89, dt.23-12-1989.
- Aggrieved by the above cancellation orders he approached the Hon'ble High Court, AP., Hyderabad and the Hon'ble High Court have remanded back the case to the District Collector vide WP.No.21492/95, dated 15-10-1997 with a direction to pass a reasonable order after considering the explanation and after referring to the enquiry officer's report.
- As per the directions of the Hon'ble High Court and as per the guidelines laid in G.O.Ms.No.58 (SW) department the matter was referred to the District Level

(Contd.....2)

Scrutiny Committee constituted under the Chairmanship of Joint Collector for giving findings on the social status of the individual. The DLSC issued a notice to the appellant in Form-VI to appear before the Committee along with documentary evidences in support of community claim.

- In response to which the appellant has filed his explanation stating that a false complaint was lodged against him alleging that he has obtained false ST certificate and availed reservation under ST quota. He further stated that the Tahsildar, Karimnagar has issued (ST) Community certificate basing on the reports of Revenue authorities after confirming that he belong to "Hill Reddy". The enquiry officers who conducted enquiry on his community given false reports without any basis stating that he belongs to forward caste. He requested the DLSC to drop further proceedings in the matter.
- The DLSC after conducting detailed enquiry and verifying the connected school records and confirmed that he individual belongs to "Reddy" forward caste but not "Hill Reddy".
- As per the findings given by the DLSC the false caste certificate issued vide Ref.A6/10657/76, dt.11-8-76 by the Tahsildar, Karimnagar to the individual as "Hill Reddy" was cancelled by the District Collector vide Proc.No.C4/3984/95, dt.07.01.2005 and a notification was also published in District Gazette Extraordinary.
- Aggrieved by these orders he filed a WP before Hon'ble High Court in WP No.2272/2005. The Hon'ble High Court issued orders on 11-2-2005 to set a side the proceedings and remitted back the case to take appropriate decision after according a reasonable opportunity to the petitioner for making a representation. After filing such representation the same shall have to be considered and opportunity should be offered to the petitioner and take appropriate decision in accordance with law with in a period of 2 weeks from the date of receipt of copy or order and disposed the WP at the admission stage.
- As per the above Hon'ble High Court directions a show cause notice was issued to the individual vide No.C4/3984/95, dt.29.6.2005 as to why the caste certificate obtained from the Tahsildar, Karimnagar vide Ref.No.A6/10657/76, DT.11-8-76 should not be cancelled under section 5(1) of AP (SC, ST and BC) Regulation of community certificates Act, 1993 and to submit his written statements within (15) days from the date of receipt of notice. He was also supplied copies of record of enquiry for submitting his explanation.
- In reply to the show cause notice the appellant has submitted his reply on 25-7-2005 wherein he repeated the contents of his previous pleadings raised before all the authorities and requested to consider his submission that the caste certificate issued to him earlier as he belonging to "Hill Reddy" is genuine one and drop further action.
- In this matter, legal opinion was obtained from the Govt. Pleader Karimnagar and he opined that when once the certificate got cancelled again the question of filing application for considering entire issue on merits and arranging to impart him with justice does not arise, since the entire proceedings were held after giving him due opportunity to prove genuineness. The Govt. Pleader given opinion that, the application filed by the individual cannot be entertained at all and action be taken against him in accordance with the CCA rules.
- The entire case contents have been re-examined with reference to the material available on record and it was determined that the individual belongs to "Reddy"(OC) Community of Hindu Religion but does not belong to "Hill Reddy" (ST) Community as claimed by him.

- Accordingly, in exercise of the powers conferred u/s.5(1) of Act 16 of 1993 read with the AP (SC, ST and BC) Regulation of issue of community certificate Act, 1993 read with rules 9(7) of AP (SC, ST and BC) issue of Community certificate bearing No.A6/10657/76, dt.11-8-1976 issued by the Tahsildar, Karimnagar in favour of the individual was cancelled vide Collector Proc.No.C4/3984/95, dt. 23-11-2007 with immediate effect and a notification was also published in the District Gazzette Extraordinary.

4. Government after careful examination of the Appeal Petition have made the following observations:

- Aggrieved by the orders of District Collector, Karimnagar, Sri K.Malla Reddy filed the present appeal petition. Examined in detail.
- The appellant's school record shows that initially his caste was recorded as "Reddy" and subsequently the word "Hill" was added with a different ink. This clearly indicates that the appellant has malafide intention to get S.T. Certificate to obtain a job under S.T. quota. It is represented that he migrated from Khammam District in his childhood. Had his father migrated from Khammam district the appellant definitely should have some relatives of his family tree at his birth place.
- The appellant has not produced any such evidence from his original birth place. Further, in case he belongs to S.T. Community his father should have submitted application to school at the time of his admission and should have requested to record his caste as(Hill Reddy) at the time of admission itself. It is clearly proved that the appellant obtained caste certificate of ST fraudulently. Hence his appeal is disallowed
- Further it is ordered to withdraw all the benefits accrued to him on the strength of bogus caste certificate in addition to take legal action for filing bogus caste certificate.

6. Government, after careful examination, hereby rejected the appeal petition and also vacated the stay already granted.

7. The Collector and District Magistrate, Karimnagar shall take necessary action to withdraw all the benefits accrued by him on the strength of bogus caste certificate in addition to take legal action for filing bogus Caste Certificate.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**SOMESH KUMAR
PRINCIPAL SECRETARY TO GOVT. (TW)**

To

The Collector and District Magistrate, Karimnagar
(along with original record file bearing C.No.C4/3984/1994,
Vol.I and Vol.II)

Sri K.Malla Reddy S/o Venkat Reddy, Occ: Sr. Inspector (Suspension),
Co operative Department, R/o H.No. 10-4-30/1, Arepally Road,
Behind HP Gas Godown, Karimnagar District.

Copy to:

The Director, TCR & TI, Telangana State, Hyderabad

The Commissioner of Tribal Welfare, Telangana State, Hyderabad

The the Tahsildar, Karimnagar.

PS to M(TW) & PS to Prl.Secretary(TW)

//FORWARDED:: BY ORDER //

SECTION OFFICER.